

BEST AVAILABLE COPYApplication No. 10/767,708Case No.: 58331US003**REMARKS**

This paper is responsive to the Final Office Action dated December 15, 2005. Applicants disagree with all the objections, rejections, and assertions presented in the December 15, 2005 Final Office Action. Applicants assert that the pending claims are allowable and respectfully requests reconsideration and withdrawal of all the pending objections and rejections.

Applicants have amended the independent claims to further clarify that the simultaneous biaxially stretched polymeric film possesses the claimed retardances. Support for this amendment is found throughout the specification including, at least, page 8, lines 15-21. Claims 1-23 are pending in this application.

Obviousness-Type Double Patenting Rejection

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all pending claims of copending Application No. 10/365,332. As of the date, the instant papers filed, the undersigned has not received a Notice of Allowance for application having serial no. 10/365,332. Therefore, a further response to this provisional is not necessary at this time.

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all pending claims of copending Application No. 10/364,940. As of the date, the instant papers filed, the undersigned has not received a Notice of Allowance for application having serial no. 10/364,940. Therefore, a further response to this provisional is not necessary at this time.

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all pending claims of copending Application No. 10/770,604. As of the date, the instant papers filed, the undersigned has not received a Notice of Allowance for application having serial no. 10/770,604. Therefore, a further response to this provisional is not necessary at this time.

Claims 1-23 are rejected on the ground of non-statutory obviousness type double-patenting is being unpatentable over claims 1-40 of U.S. Patent No. 6,965,474. Applicant timely

BEST AVAILABLE COPYApplication No. 10/767,708Case No.: 58331US003

files a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome this rejection. Withdrawal of this rejection is respectfully requested.

103 Rejections

Claims 1-4, 6-7, 10-13, 15-16 and 19-21 were rejected under 103(a) as being unpatentable over Hashimoto (US 6,657,690) in view of Hebrink (U.S. 6,673,425). Applicants respectfully disagree. Peiffer (apparently US 6,068,936) is not listed in this rejection but is discussed in the Office Action as an additional reference. This reference is addressed below.

Under 35 U.S.C. §103(c)(1), Applicants assert that Hebrink qualifies as prior art only under 35 U.S.C. §102(e) and does not preclude patentability under 35 U.S.C. §103, since the subject matter of Hebrink and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Thus, Applicants request reconsideration and withdrawal of the rejections.

Further, Applicants assert that the cited references fail to disclose or suggest all the elements of claims 1-4, 6-7, 10-13, 15-16 and 19-21.

With regard to claims 1-4, Applicants again assert that none of the references disclose or suggest a retarder disposed on the liquid crystal layer. Applicants request the Examiner to address this claim limitation or allow claims 1-4.

With regard to Hebrink, this reference discloses dimensionally stable layers that prevent warping of optical film. Applicants assert that Hebrink does not disclose a crystallization modifier. The polyolefin copolymers described in Hebrink are described as useful second optical layers that are used with specific alternating first optical layers to form multi-layer reflective polarizers. Applicants assert that motivation to combine Hashimoto with Hebrink does not exist and an expectation of success does not exist. There is no evidence within the second optical layer teaching of Hebrink that the polyolefin copolymers would improve clarity or adhesion in the Hashimoto articles. This Examiner assertion is hindsight reconstruction.

Motivation to combine Hashimoto with Peiffer does not exist and an expectation of success does not exist. Peiffer is directed to polyolefin film containing cycloolefin

BEST AVAILABLE COPYApplication No. 10/767,708Case No.: 58331US003

polymer which possesses reduced haze and increased gloss. Peiffer measured gloss as the reflector value optical characteristic of the film (see Peiffer examples).

Peiffer teaches away from the claimed invention. One of ordinary skill in the art would not be motivated to combine the polyolefin film containing cycloolefin polymer of Peiffer with the optical compensatory sheet of Hashimoto because these films would have a deleterious effect on the optical properties of the optical compensatory sheet of Hashimoto. The required high gloss properties of the Peiffer films increase surface losses and deteriorate the performance of the Hashimoto films. Thus, one of ordinary skill in the art would not be motivated to combine the glossy polyolefin film containing cycloolefin polymer of Peiffer with the optical compensatory sheet of Hashimoto.

In addition Peiffer teaches (at col. 1, lines 50-53) that the addition of nucleating agents in the stated concentrations results in optical defects in the film in the form of 'fish eyes' and 'bubbles'. As stated above, these optical defects in the film would deteriorate the performance of the Hashimoto films. Thus, one of ordinary skill in the art would not be motivated to combine the polyolefin film containing cycloolefin polymer of Peiffer with the optical compensatory sheet of Hashimoto. For at least these reasons, Applicants request reconsideration and withdrawal of the rejections.

The Examiner states that use of an additional liquid crystal layer is common and known in the art and it would have been obvious to employ an additional liquid crystal layer for advantages such as different switching modes. Applicants disagree and request the Examiner to provide a reference to support the rejection. Hashimoto is only directed at transmissive or reflective displays that include a single liquid crystal layer. For at least these reasons, Applicants request reconsideration and withdrawal of the rejections.

Claims 5, 8-9, 14, 7-18 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto in view of Hebrink as applied to claims 1-4, 6-7, 10-13, 15-16 and 19-21 above, and further in view of Broer et al.(US 6,359,670).

Broer fails to remedy the deficiencies identified above of the other cited references by failing to describe the missing claimed elements and/or by failing to provide the required

BEST AVAILABLE COPYApplication No. 10/767,708Case No.: 58331US003

motivation to modify the cited references to arrive at the claimed invention. Applicants respectfully request reconsideration and withdrawal of this claim rejection.

In addition, the requisite motivation to combine the references in the way suggested by the Examiner is absent and so is a reasonable expectation of success. The Examiner may not use hindsight in selecting from different references in order to arrive at the Applicants' invention. Broer is directed to trans-reflective displays while Hashimoto is only directed at transmissive or reflective displays. Applicants assert that the reflective polarizer utilized in Broer to form a trans-reflective display is not needed in Hashimoto since Hashimoto is not directed to trans-reflective display or even contemplates a trans-reflective display. Combining these two different display types can only be hindsight reconstruction, since there is no motivation in Hashimoto to add a reflective polarizer to its transmissive display stack.

In addition, Broer fails to mention compensation and its birefringent plate adjacent to the reflective polarizer explicitly turns linear polarized light into circularly polarized light for the purpose of creating a useful transreflective display. The Hashimoto displays are not transreflective displays. Further, the claimed in-plane and out-of-plane retardances do not make effective quarterwave or three quarterwave plates. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this claim rejection.

BEST AVAILABLE COPY

Application No. 10/767,708

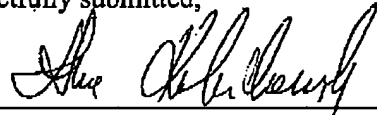
Case No.: 58331US003

CONCLUSION

In view of the above, Applicants submits that pending claims are in condition for allowance. Reconsideration is respectfully requested and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Dated: February 13, 2006

By: 
Anna A. Kobilansky, Reg. No. 53,146

Office of Intellectual Property Counsel
3M Innovative Properties Company
3M Center, P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone No. (651) 737-8345